

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., ET AL.,

Defendants.

CIVIL ACTION NO.: 1:21-CV-11181-DPW

**DEFENDANT PROGRESSIVE F.O.R.C.E. CONCEPTS, LLC’S
UNOPPOSED MOTION TO FILE EXCESS PAGES, TO FILE REPLY BRIEF,
AND TO EXTEND RESPONSE DEADLINE**

Defendant Progressive F.O.R.C.E. Concepts, LLC (“PFC”) hereby files this unopposed motion to (a) permit PFC to file a memorandum of law in support of his motion to dismiss in excess of 20 pages, but not to exceed 35 pages, in accordance with Local Rule 7.1(b)(4); (b) extend the date for PFC’s response to the Complaint, to November 12, 2021; and (c) permit PFC to file a reply brief, not to exceed 15 pages, within 14 days after Plaintiffs file their opposition to PFC’s motion to dismiss, in accordance with Local Rule 7.1(b)(3). As grounds for this motion, PFC states as follows:

1. Plaintiffs filed the Complaint on July 21, 2021. Dkt. 1. On September 15, 2021, the Court granted PFC’s assented-to motion for extension of time and set PFC’s deadline to respond to the Complaint as October 29, 2021. Dkt. 40.

2. The Complaint spans 92 pages and 366 paragraphs, excluding exhibits. It alleges twelve causes of action, including violations of the civil RICO statute. PFC intends to file a motion

to dismiss the Complaint. PFC submits that a memorandum not to exceed 35 pages is necessary in order to fully set out of the grounds for dismissal and to assist the Court in considering this motion to dismiss. The Court has granted similar motions in this case. See Dkt. Nos. 64, 67-68. Counsel for PFC has conferred with counsel for the Plaintiffs and other parties, who did not oppose this request.

3. PFC also requests that the Court extend their deadline to respond to the Complaint to November 12, 2021 in order that they might comprehensively but clearly address the various issues at hand. This minimal adjustment to the briefing schedule is likely to bring additional administrative clarity and efficiency to the docket and further proceedings. Counsel for PFC has conferred with counsel for the Plaintiffs and other parties, who did not oppose this request.

4. PFC anticipates that Plaintiffs will oppose their motion to dismiss, and requests leave to file a reply brief. PFC submits that a reply brief will assist the Court in deciding their motion considering the numerous issues likely to be addressed in his motion to dismiss and Plaintiffs' response. Accordingly, PFC seeks leave to file a reply brief of not more than 15 pages, and not more than 14 days following the filing of Plaintiffs' opposition. Counsel for PFC has conferred with counsel for the Plaintiffs, who did not oppose this request.

5. Counsel for PFC has also conferred with counsel for the other defendants in this matter, and none indicated that they intend to oppose this motion.

WHEREFORE, PFC requests that the Court grant this Motion and

- (a) permit them to file a memorandum in support of his motion to dismiss, which will not exceed more than 35 pages;
- (b) extend PFC's deadline to respond to the Complaint, to November 12, 2021; and

- (c) permit PFC to file a reply brief of not more than 15 pages within 14 days after Plaintiffs file their opposition to his motion to dismiss.

Respectfully submitted,
PROGRESSIVE F.O.R.C.E. CONCEPTS, LLC,
By Its Attorneys,

/s/ Matthew J. Holmes

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned counsel for the defendant hereby certifies that he has attempted to confer with plaintiffs' counsel in this matter, in a good faith attempt to resolve or narrow the issues of dispute raised in the accompanying motion, in accordance with Local Rule 7.1 and further states that counsel for plaintiffs assents to the filing of this motion.

/s/ Matthew J. Holmes

Matthew J. Holmes

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 27, 2021.

/s/ Matthew J. Holmes

Matthew J. Holmes